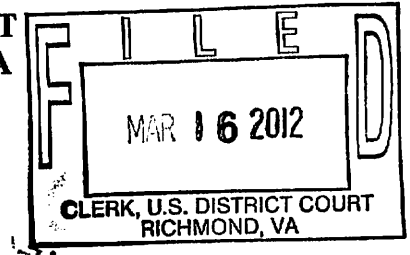


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**



**ERIC DANTE PITT, for himself
And on behalf of all similarly situated
individuals,**

Plaintiff,

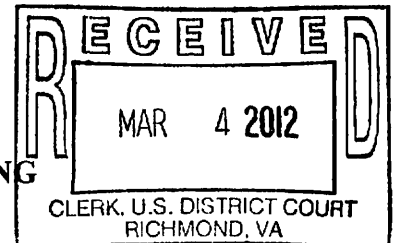
Civil Action No. 3:11-cv-697

v.

**KMART CORPORATION,
A wholly owned subsidiary of Sears
Holdings Corporation,**

Defendants.

**STIPULATION AND AGREED ORDER REGARDING
THE FILING OF AMENDED COMPLAINT**



COMES THIS DAY Defendant Kmart Corporation, a wholly owned subsidiary of Sears Holdings Corporation ("Kmart"), by counsel, and Plaintiff Eric Dante Pitt ("Plaintiff"), for himself and on behalf of all similarly situated individuals, by counsel, and the parties jointly move this Honorable Court for the entry of this Stipulation and Agreed Order Regarding the Filing of an Amended Complaint:

IT APPEARING TO THE COURT from the representation of the parties that Plaintiff plans to file an Amended Complaint that will make major changes to the nature of the action, including by joining a new party, and that the parties agree that Kmart will file its response to the Amended Complaint in accordance with terms of the Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

UPON CONSIDERATION WHEREOF, for good cause shown and by agreement of counsel for the parties, it is hereby,

ORDERED, ADJUDGED and DECREED that Plaintiff shall file an Amended Complaint in this action on or before March 16, 2012, and it is further,

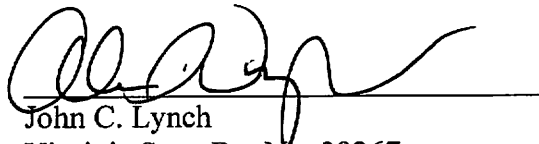
ORDERED, ADJUDGED and DECREED that Defendant shall file its responsive pleading(s) within 21 days of the filing the Amended Complaint, as contemplated by Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

ENTERED this 16th day of March, 2012.

/s/
John A. Gibney, Jr.
United States District Judge

John A. Gibney, Jr.
United States District Court Judge

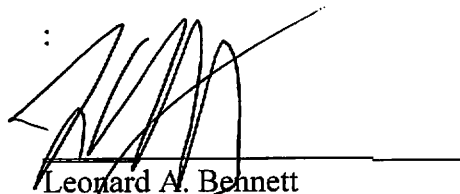
SO STIPULATED:



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